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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KIELIN, ERIK J

ART UNIT	PAPER NUMBER
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2813

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,999	UGLOW ET AL.	
	Examiner	Art Unit	
	Erik Kielin	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 26 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action responds to the Amendment filed 20 May 2004.

Election/Restrictions

1. Newly submitted claim 27 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claim 27 is directed to a different species than those presented in the pending claims 1-16 and 26 because the trench dielectric layer is not limited to carbon-doped silicon oxide.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 32 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 10, 11, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,197,696 B1 (**Aoi**) in view of US 6,110,648 (**Jang**).

Regarding claims 1 and 4, **Aoi** discloses a method for making a dielectric structure for dual damascene applications, the method comprising:

providing a substrate **350** (Fig. 15(a));

fabricating metallization lines **351** within the substrate (Fig. 15(a));

forming a barrier layer **352** of silicon nitride (col. 19, lines 1-2) --as further limited by instant claim 4-- over the metallization lines **351** and the substrate (Fig. 15(a));

forming an inorganic dielectric layer **353** of silicon dioxide (col. 19, lines 3-5) to define a via dielectric layer **353A** directly over the barrier layer **352**, the inorganic dielectric layer **353** having a dielectric constant of about 4 (col. 1, lines 53-54) and being highly selective relative to the barrier layer **352** when etched (as shown in Fig. 16(c)); and

forming a carbon doped oxide layer **354** (called “organic layer” at col. 19, lines 6-8) to define a trench dielectric layer **354A** over and in direct contact with the inorganic dielectric layer **353**, the trench layer being formed to define a metallization line layer **365** (Fig. 16(d) and 17(c)).

Note that **Aoi** defines “organic layer” to include carbon-doped oxides (called “organic-containing silicon dioxide”) such as formed by CVD from precursors such as hexamethyldisiloxane, arylalkoxy silane, etcetera at col. 10, lines 54-62.

(See section entitled, “Modified Example of Embodiment 3” beginning in col. 18, line 60 for details of the embodiment used above from **Aoi** to reject the claim 1.)

Aoi teaches **exemplary** thicknesses of the via **353A** and trench **354A** dielectric layers of 1 μm and 0.4 μm , respectively (**Aoi**, col. 19, lines 4-8). **Aoi** does not teach via dielectric layer thicknesses of 0.4 to 0.5 μm and trench dielectric layer thicknesses of 0.5 to 0.6 μm .

Jang --like **Aoi**-- teaches a dual damascene process wherein the via **120a** and trench **120b** dielectric layers are made of different dielectric layers including an oxide and a low-k dielectric. Accordingly **Jang** and **Aoi** are drawn to the same field of endeavor. The thickness of

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the via dielectric layer **120a** is 0.5 μm to 0.8 μm (5000 Å to 8000 Å), and the thickness of the trench dielectric layer **120b** is 0.5 μm to 0.8 μm (5000 Å to 9000 Å), which overlap the claimed ranges. Moreover, it is noted that the instant specification indicates that the thicknesses are exemplary. Accordingly, there exists no evidence of record indicating that the thicknesses are critical. Aoi also indicates that the thicknesses are exemplary.

It would have been obvious for one of ordinary skill in the art, at the time of the invention to use the dielectric layer thicknesses of **Jang** as the thicknesses in **Aoi** in order to use less of the high-k, via dielectric layer **353A** (1 μm in the example in **Aoi** but 0.5 μm to 0.8 μm in **Jang**), thereby reducing the overall dielectric constant of the ILD which reduces the RC delay and increases signal speed. A faster semiconductor device results.

Further in this regard, it has been held that

“Normally, it is to be expected that a change in temperature, or in concentration, or in both, would be an unpatentable modification. Under some circumstances, however, changes such as these may impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from the results of the prior art... such ranges are termed ‘critical ranges’ and the applicant has the burden of proving such criticality **More particularly, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.**” *In re Aller* 105 USPQ233, 255 (CCPA 1955). (Emphasis added.)

See also *In re Waite* 77 USPQ 586 (CCPA 1948); *In re Scherl* 70 USPQ 204 (CCPA 1946); *In re Irmischer* 66 USPQ 314 (CCPA 1945); *In re Norman* 66 USPQ 308 (CCPA 1945); *In re Swenson* 56 USPQ 372 (CCPA 1942); *In re Sold* 25 USPQ 433 (CCPA 1935); *In re Dreyfus* 24 USPQ 52 (CCPA 1934).

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Regarding claim 2, **Aoi** further discloses forming a trench **362** in the carbon doped oxide layer using a first etch chemistry (Fig. 16(d); col. 19, lines 50-62).

Regarding claim 3, **Aoi** discloses a method for making a dielectric structure for dual-damascene applications as recited in claim 2, further comprising:

forming a via **361** in the inorganic dielectric layer **353** using a second etch chemistry, the second etch chemistry being different than the first etch chemistry and the via **361** being within the trench **362** (col. 19, lines 41-62).

Regarding claims 10 and 11, **Aoi** discloses a method for making a multi-layer inter-metal dielectric over a substrate, comprising:

forming a barrier layer **352** of silicon nitride --as further limited by instant claim 11-- over the substrate;

forming a silicon dioxide layer **353** over the barrier layer, the silicon dioxide layer having a dielectric constant of about 4;

forming a carbon doped oxide layer **354** directly over and in direct contact with the silicon dioxide layer;

forming a trench **362** through the carbon doped oxide layer **354**; and

forming a via **361** in the trench **362** extending through the silicon dioxide layer **353** to the barrier layer **352**, wherein the silicon dioxide layer **353** defines a via layer **353A** and the carbon doped oxide layer **354** defines a trench layer **354A** for metallization lines **365**. (See Figs. 15(a) through 17(c) and details above with regard to claim 1).

Aoi does not teach via dielectric layer thicknesses of 0.4 to 0.5 μm and trench dielectric layer thicknesses of 0.5 to 0.6 μm .

Jang is applied to claim 10 as it is applied to claim 1 for the same motivational reasons as indicated for claim 1.

Regarding claim 14, **Aoi** discloses a method for making a multi-layer inter-metal dielectric over a substrate as recited in claim 10, wherein forming the via **361** in the trench **362** extending to the barrier layer **352** further includes,

implementing a first chemistry optimized to etch through the carbon doped oxide layer;
and

implementing a second chemistry which is different than the first etch chemistry and is optimized to etch through the silicon dioxide layer (col. 19, lines 40-62).

Regarding claim 15, **Aoi** discloses method for making a multi-layer inter-metal dielectric over a substrate as recited in claim 14, wherein the second chemistry that is optimized to etch through the silicon dioxide layer **353** is selective to the barrier layer **352** as clearly shown in Figs. 16(c)-16(d).

Regarding claim 16, **Aoi** discloses a method for making a multi-layer inter-metal dielectric over a substrate as recited in claim 15, wherein the barrier layer **352** is a silicon nitride layer (col. 19, lines 1-2).

4. Claims 5, 7-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aoi** in view of **Jang**, as applied to claims 1-4, **10**, 11, and 14-16 above and further in view of the basic text of **Wolf**, et al. Silicon Processing for the VLSI Era, Vol. 2-Process Integration, Lattice Press: Sunset Beach CA, 1990, p. 194.

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Regarding claims 5, 7, 8 and 12, the prior art of **Aoi** in view of **Jang**, as explained above, discloses each of the claimed features except for indicating that the silicon dioxide layer **353** is made from TEOS. **Aoi** does however state,

“The first and second silicon dioxide films **353** and **355** may be deposited by **any arbitrary technique**. For example, these films **353** and **355** may be deposited **by a CVD process** using a reactive gas mainly composed of phenyltrimethoxy silane.” (Emphasis added. **Aoi**, col. 19, lines 13-17.)

Wolf teaches that it is notoriously well-known in the art to form silicon dioxide using CVD from TEOS for forming dielectric films for multi-level interconnect metallization (p. 194), such as in the multilevel interconnect metallization of **Aoi**.

It would have been obvious for one of ordinary skill in the art, at the time of the invention to use TEOS to form the silicon dioxide layer **353** of **Aoi**, because **Aoi** teaches that any arbitrary method and particularly CVD can be used and **Wolf** teaches TEOS is known for making silicon dioxide for multi-level metallization.

Further regarding claim 8, **Aoi** discloses a method for making a dielectric structure for dual-damascene applications as recited in claim 7, wherein the first etch chemistry is optimized to etch through the carbon doped oxide layer and the second etch chemistry is optimized to etch through the silicon dioxide layer.

Regarding claim 9, **Aoi** discloses a method for making a dielectric structure for dual-damascene applications as recited in claim 8, wherein, the second etch chemistry is selective to the barrier layer **352** as shown in Fig. 16(d) and 17(a); col. 20, lines 3-13).

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5. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aoi** in view of **Jang**, as applied to claims 1-4, **10**, 11, and 14-16 above and further in view of US 6,043,167 (**Lee et al.**).

The prior art of **Aoi** in view of **Jang**, as explained above, discloses each of the claimed features except for indicating the low-dielectric constant, carbon-doped oxide layer has a dielectric constant layer of about and no greater than 3.0.

Lee teaches a method of forming a carbon-doped silicon oxide film for use as intermetal dielectrics which can have a dielectric constant of no more than 3.0, as shown in Fig. 2 (col. 1, lines 8-12).

It would have been obvious for one of ordinary skill in the art, at the time of the invention to use the carbon-doped silicon oxide film having a dielectric constant of no more than 3.0 of **Lee** as the carbon-doped silicon oxide film of **Aoi**, because **Aoi** suggests using a low-dielectric constant, carbon-doped silicon oxide layer, and **Lee** teaches such a layer for interlayer dielectrics having a low dielectric constant that reduces RC delay ("crosstalk") and additionally confers the benefits of low internal stress (paragraph bridging cols. 2-3). Moreover, it is a goal of the semiconductor industry to minimize RC delay and thereby speed up chip speeds, such that one of ordinary skill is always motivated to reduce the dielectric constant as far as possible.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Aoi** in view of **Jang**, as applied to claims 1-4, **10**, 11, and 14-16 above and further in view of US 5,989,623 (**Chen et al.**).

The prior art of **Aoi** in view of **Jang**, as explained above, discloses each of the claimed features of claim 10. Additionally **Aoi** discloses a method for making a multi-layer intermetal dielectric over a substrate as recited in claim 10, further comprising:

etching the barrier layer **352**; and

forming a via and trench barrier layer **363** to cover a surface within the via **361** and the trench **362**, wherein the via and trench barrier layer **363** may be titanium nitride (Figs. 17(b)-17(c)).

Aoi does not teach that the barrier layer is one of tantalum nitride material and tantalum material.

Chen teaches that barrier layers useful in dual damascene copper metallization wherein the interlayer dielectric is a carbon-doped oxide --just as used in **Aoi**-- may be, *inter alia*, W, Ti, Ta, TiN, TaN --with Ta and TaN being the preferred materials (col. 6, line 59 to col. 6, line 33).

It would have been obvious for one of ordinary skill in the art, at the time of the invention to use TaN as the barrier layer in **Aoi**, because TaN is an art known equivalent barrier layer to TiN for copper diffusion for use in dual damascene metallization wherein the interlayer dielectric is a carbon doped silicon oxide, and is the preferred barrier material, as taught by **Chen**.

In this regard, it has been held that the selection of a known material based on its suitability for its intended use is *prima facie* obvious. The selection of a known material based on its suitability for its intended use supported a *prima facie* obviousness determination in *Sinclair & Carroll Co., Inc. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945) (Claims to a printing ink comprising a solvent having the vapor pressure characteristics of butyl carbitol so that the ink would not dry at room temperature but would dry quickly upon heating were held

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invalid over a reference teaching a printing ink made with a different solvent that was nonvolatile at room temperature but highly volatile when heated in view of an article which taught the desired boiling point and vapor pressure characteristics of a solvent for printing inks and a catalog teaching the boiling point and vapor pressure characteristics of butyl carbitol.

"Reading a list and selecting a known compound to meet known requirements is no more ingenious than selecting the last piece to put in the last opening in a jig - saw puzzle." 65 USPQ at 301.). See also *In re LESHIN*, 125 USPQ 416 (CCPA 1960) ("Mere selection of known plastics to make container-dispenser of a type made of plastics prior to the invention, the selection of the plastics being on the basis of suitability for the intended use, would be entirely obvious; and in view of 35 U.S.C. 103 it is a wonder that the point is even mentioned.") (See MPEP 2144.07.)

Response to Arguments

7. Applicant's arguments with respect to all pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik Kielin whose telephone number is 571-272-1693. The examiner can normally be reached on 9:00 - 19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr. can be reached on 571-272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Erik Kielin
Primary Examiner
15 July 2004